

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**PERNELL WILSON,**

**Plaintiff,**

**No. 06-cv-0175  
(GLS-RFT)**

**v.**

**JAMES CAMPBELL, *Sheriff of  
Albany County*, and THOMAS  
WIGGER, *Superintendent*,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

PERNELL WILSON

*Pro Se*

06-A-6448

Arthur Kill Correctional Facility

2911 Arthur Kill Road

Staten Island, New York 10309

**FOR THE DEFENDANTS:**

Roche, Corrigan Law Firm

36 South Pearl Street

Albany, New York 12207

ROBERT P. ROCHE, ESQ.

**Gary L. Sharpe**

**U.S. District Judge**

**DECISION AND ORDER**

The above-captioned matter comes to this court following a Report-

Recommendation and Order (“R&R”) by Magistrate Judge Randolph F. Treece, filed February 11, 2008. (Dkt. No. 73.) The R&R recommended that defendants’ motion for summary judgment be granted. Plaintiff Pernell Wilson has filed no timely objections to the R&R; instead, he requests permission to amend his Complaint. (See Dkt. No. 74.) Wilson’s request is denied. The Scheduling Order in this case required that any request to amend a party’s pleadings be made no later than October 31, 2006. (See Dkt. No. 16.) Moreover, the court will not consider an argument raised for the first time in response to an R&R. Any request to amend could, and should, have been made earlier in these proceedings, prior to the expenditure of the parties’ and the court’s resources.

Accordingly, no objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that Wilson’s request to amend his Complaint is DENIED; and it is further

**ORDERED** that the Report-Recommendation and Order of Magistrate Judge Randolph F. Treece filed February 11, 2008 is accepted in its entirety for the reasons stated therein; and it is further

**ORDERED** that defendants’ motion for summary judgment is

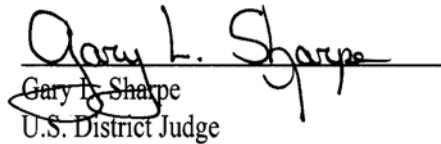
GRANTED and Wilson's Complaint is dismissed; and it is further

**ORDERED** that the Clerk enter judgment in favor of the defendants and close the case; and it is further

**ORDERED** that the Clerk provide copies of this Decision and Order to the parties.

**IT IS SO ORDERED.**

Dated: March 31, 2008  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge